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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,247	03/19/2001	Bradley S. Hoyl	M-9698 US	7809

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,247

Applicant(s)

HOYL ET AL.

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16, 18-28 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, 18-28 and 30-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 11
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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This is the fourth office action for serial number 09/812,247, entitled Fiber Optic Cabling Management Using hook and loop Fabric, in response to amendment C filed on April 29, 2003.

Allowable Subject Matter

The indicated allowability of claims 1-9, 11-16, 18-22, and 34-37 are withdrawn in view of the reference(s) to Grant et al, Hattori et al. and Saxby et al. The finality of that action is withdrawn based on the newly discovered references

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hubbard et al. (Hubbard) 4,617,017.

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Hubbard discloses a planar substrate (12) having a first surface (20); a cable fastener having a second plurality of fasteners of one of a plurality of hook and loop mechanisms (29), a variable width opening (capable of encircling cables, see figure 3), an elongated body (26), a head portion (24), a head defining an opening (28).

Claim 23, 26, 27, 28, 30, 31, 32, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Grant et al. (Grant) 6,501,020. Grant discloses a means for supporting one or more cables including a cable fastener means (44), a means for releasably engaging the cable fastener including hook and loops (column 10, lines 58ff, velcro straps), a cable routing apparatus comprising a frame means (12, 14, and 20), a planar substrate means (42), means for coupling the substrate means to the frame means (column 8, lines 42ff, threaded fasteners and apertures), a means for encircling (velcro straps can be adjusted in size to encircle or tighten around one or more cables see figure 8 and column 2, lines 22ff)), fiber and electrical cables (see column 1, lines 40ff), means for releasably engaging the substrate (44, apertures) by the cable fasteners. Grant inherently teaches a method of managing cables.

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Claim 23, 26, 27, 28, 30, 31, 32, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Saxby et al. (Saxby) 6,326,547. Saxby (figure 11) discloses a means for supporting one or more cables including a cable fastener means (velcro strap, column 8, lines 40ff), a means for releasably engaging the cable fastener means including hook and loops (velcro straps, column 8, lines 40ff), a cable routing apparatus comprising a frame means (1002), a substrate means (1000), means for coupling the substrate means to the frame means (the hinges), a means for encircling (velcro straps can be adjusted in size to encircle or tighten around one or more cables see figure 8 and column 2, lines 22ff, see the different sized velcro straps in the figures), fiber, metal, and electrical cables (see entire document, cables for computers are fiber optic, electrical and metal cables). Saxby inherently teaches a method of managing cables

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard as discussed above, in view of Hattori et al. (Hattori) 5,671,511. Hubbard discloses all of the limitations of the claimed invention except for the mushroom-shaped or pine-tree shaped stems. Kobe teaches that it is conventional to have a means for releasably engaging being a mushroom-shaped or pine-tree shaped stems (see figure 2 and entire document). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Hubbard to have the mushroom/pine-tree shaped stems as taught by Hattori for the purpose of providing a more secure means of attachment and is an obvious modification since both the velcro and the mushroom/pine-tree shaped stems are mechanical equivalents used for attaching.

Claims 1, 4-9, 11, 14-16, 18-23, 26-28, 30-34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant, as discussed above, in view of Hubbard 4,617,017, as discussed above. Grant discloses all of the limitations of the claimed invention except for the substrate containing a first plurality of fasteners of hook and loop mechanisms and a cable fastener having a body having a predetermined width, a head

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portion having a greater width and a opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Grant to have made the substrate to have one of a plurality of hook and loop mechanisms and the cable fastener to have the other of one of a plurality of hook and loop mechanisms as taught by Hubbard for the purpose of facilitating attachment of the cable fastener to the substrate. The modification of Grant in view of Hubbard would result in Grant having the cable fastener (44) having a surface with one of a plurality of hook and loop mechanisms and the substrate (42) having the other of a plurality of hook and loop mechanism therefore reducing the amount of time spent connecting the cable fastener to the substrate. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Grant to have made the cable fastener a body having a predetermined width, a head portion having a greater width and an opening as taught by Hubbard for the purpose of providing a faster means of adjusting the size of the cable fastener around the cables.

Claims 2, 3, 12, 13, 24, 25, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grant in view of Hubbard as discussed above, in further view of Kobe 5,691,021 Grant in view of Hubbard discloses all of the limitations of the

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claimed invention except for the mushroom-shaped or pine-tree shaped stems. Kobe teaches that it is conventional to have a means for releasably engaging being a mushroom-shaped or pine-tree shaped stems (see figure 2 and entire document). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Grant in view of Hubbard to have the mushroom/pine-tree shaped stems as taught by Kobe for the purpose of providing a more secure means of attachment and is an obvious modification since both the velcro and the mushroom/pine-tree shaped stems are mechanical equivalents used for attaching.

Claims 1, 4-9, 11, 14-16, 18-23, 26-28, 30-34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champion et al. (Champion) 6,327,139, in view of Hubbard, as discussed above. Champion discloses a frame (101), a substrate (301), a cable fastener (302), cables (114), means for releasably attaching (slots that receive the cable fasteners), means for attaching substrate to frame (107). Champion inherently teaches a method of managing cables. Champion discloses all of the limitations of the claimed invention except for the substrate containing a first plurality of fasteners of hook and loop mechanisms and a cable fastener having a body having a predetermined width, a head portion having a greater

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width and a opening. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Champion to have made the substrate to have one of a plurality of hook and loop mechanisms and the cable fastener to have the other of one of a plurality of hook and loop mechanisms as taught by Hubbard for the purpose of facilitating attachment of the cable fastener to the substrate. The modification of Champion in view of Hubbard would result in Champion having the cable fastener (302) having a surface with one of a plurality of hook and loop mechanisms and the substrate (301) having the other of a plurality of hook and loop mechanism therefore reducing the amount of time spent connecting the cable fastener to the substrate. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Champion to have made the cable fastener a body having a predetermined width, a head portion having a greater width and an opening as taught by Hubbard for the purpose of providing a faster means of adjusting the size of the cable fastener around the cables.

Claims 2, 3, 12, 13, 24, 25, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champion in view of Hubbard as discussed above, in further view of Hattori et al. (Hattori) 5,671,511. Champion in view of Hubbard discloses all

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of the limitations of the claimed invention except for the mushroom-shaped or pine-tree shaped stems. Hattori teaches that it is conventional to have a means for releasably engaging being a mushroom-shaped or pine-tree shaped stems (see figures 2 and 3 and entire document). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Champion in view of Hubbard to have the mushroom/pine-tree shaped stems as taught by Hattori for the purpose of providing a more secure means of attachment and is an obvious modification since both the velcro and the mushroom/pine-tree shaped stems are mechanical equivalents used for attaching.

Response to Arguments

Applicant's arguments filed August 29, 2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

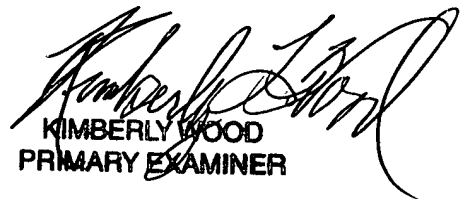
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Kayser discloses a means of releasably attaching being pine-tree shaped. Delk et al. disclose a fastener having hook and loop mechanisms. Walpner discloses a fastener and a substrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9326. The fax number for an Official After Final Amendment or Response is (703) 872-9327.

Kimberly Wood
Primary Examiner
August 5, 2003



KIMBERLY WOOD
PRIMARY EXAMINER